



Entered on Docket
March 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,
LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**ORDER SUSTAINING FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ROAM DEVELOPMENT
GROUP, LP LOAN**

Hearing Date: February 20, 2009

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's First Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Roam Development Group,
3 LP Loan (the "Objection") [DE 6702]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on February 20, 2009. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained. The Proofs of Claim listed on
7 Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted
8 principal" owed to the claimant. The remainder of the claims listed on Exhibit A are
9 disallowed.

10 ###

11 PREPARED AND SUBMITTED:

12 **LEWIS AND ROCA LLP**

13
14 By: /s/ John Hinderaker (#18024)
15 Rob Charles
16 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

**ROAM DEVELOPMENT LOAN
FIRST OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Unremitted Principal	Approximate Amount Subject to Objection
10725-01620	Kenneth Addes IRA	100 W. Broadway, Apt 7V Long Beach, NY 11561-4019	\$113,417.22	\$1,262.72	\$112,154.50
10725-01143	Joseph J. and Janice G. Argier	2166 Montana Pine Dr Henderson, NV 89052-5800	\$100,000.00	\$1,262.72	\$98,737.28
10725-00963	Donald G. and Bette Coleen Bevan	1553 Springwater Dr Orem, UT 84058-5868	\$57,000.00	\$719.50	\$56,280.50
10725-00519	Robert E. and Candith Brooks	1405 14th Ave SW Minot, ND 58701-5781	\$54,000.00	\$631.36	\$53,368.64
10725-02094	Kay M. Cantrell and Donald L Hess Jt Ten	1818 Madero Dr The Villages, FL 32159	\$99,103.40	\$0	\$99,103.40
10725-00042	Ross Deller	1469 Harmony Hill Henderson, NV 89014	\$120,000.00	\$0	\$120,000.00
10725-00627	Mark Daniel Donnolo	6413 Hillside Brook Ave Las Vegas, NV 89130-1836	\$600,000.00	\$7,576.32	\$592,423.68
10725-00628	Donnolo Family Trust Dtd 8/24/88	Joseph and Loretta Donnolo Ttees 3120 Highland Falls Dr Las Vegas, NV 89134-7422	\$1,200,000.00	\$15,152.64	\$1,184,847.36
10725-02531	David M. and Marcy P. Edwards Family Trust	c/o David M. Edwards and Marcy P. Edwards Trustees 9528 Yucca Blossom Dr Las Vegas, NV 89134-8937	\$50,000.00	\$631.36	\$49,368.64
10725-01387	Dan and Sandra M. Everett	921 Crystal Ct Foster City, CA 94404	\$50,000.00	\$631.36	\$49,368.64